

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVAN JOHNSON,

Plaintiff,

v.

CONTINENTAL AIRLINES
CORPORATION

Defendant.

Civil Action No: 04-10902 (PBS)

**DEFENDANT’S MOTION TO DISMISS OR, ALTERNATIVELY,
FOR SUMMARY JUDGMENT AND REQUEST FOR EQUITABLE RELIEF**

Pursuant to Rules 12(b)(6) and 56(c) of the Federal Rules of Civil Procedure, defendant, Continental Airlines, Inc. (“Continental”), hereby moves to dismiss or, alternatively for summary judgment (“Motion”) on all claims in the above-captioned action brought by plaintiff, Stevan Johnson (“Johnson”). In support of this Motion, Continental submits herewith:

- A Memorandum of Law;
- Affidavit of Christina Garcia; and
- Affidavit of Katherine Churchill.

In connection with its Motion, Continental also requests equitable relief preventing Johnson from further litigations without court approval in that Johnson has now filed five actions at the Equal Employment Opportunity Commission (“EEOC”) and three federal court complaints. All EEOC and federal actions have post-dated Johnson’s employment with Continental.

WHEREFORE, for the reasons set forth in Continental's Memorandum of Law, Continental's Motion and Request for Equitable Relief should be granted.

Respectfully submitted,

CONTINENTAL AIRLINES, INC.
By its attorneys,

/s/: Jeffrey M. Rosin
David S. Rubin, BBO # 546213
Jeffrey M. Rosin, BBO #629216
Epstein, Becker & Green, P.C.
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Boston, MA 02199
(617) 342-4000

Dated: June 14, 2004

CERTIFICATE OF SERVICE AND COMPLIANCE WITH LOCAL RULE 7.1

I, Jeffrey M. Rosin, hereby certify that, on June 11, 2004, I sent a letter to *pro se* plaintiff, Stevan Johnson, notifying him of Continental's intention to file this Motion.

I, Jeffrey M. Rosin, also certify that, on this 14th day of June, 2004, I served a copy of this Motion by First Class Mail to Mr. Johnson at the below address:

Stevan E. Johnson
P.O. Box 121
Boston, MA 02117

/s/: Jeffrey M. Rosin
Jeffrey M. Rosin